

Notice of Allowability

Application No.

10/606,464

Examiner

Devona E. Faulk

Applicant(s)

LU ET AL.

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/14/2007.
2. ☒ The allowed claim(s) is/are 8-14, 16-19 and 44-68.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Remarks

1. The applicant has cancelled claims 1-7,15,20-43 and added new claims 44-68.
2. Claims 8-13 were indicated allowable in the previous office action and remain in allowable form. The applicant has amended claim 14 to include indicated allowable subject matter. Claims 14-19 are in allowable form. The new claims 44-68 either depend from claims already in allowable form or are independent claims that include the allowable subject matter from claims already indicated as allowable. Therefore, claims 44-68 are in allowable form

Allowable Subject Matter

3. Claims 8-14,16-19,44-68 are allowed.
4. The following is an examiner's statement of reasons for allowance: Prior art Zeevi et al. (US 2004/0005068) discloses a dynamic normalization of sound reproduction including storing and checking for the volume normalization (amplification factor) in a media library. Prior art Cliff (US 6,534,700) discloses an automated compilation of music. Prior art Kincaid (US 7,072,477) discloses a method and apparatus for automatically normalizing a perceived volume level in a digitally encoded file including storing and checking the audio file for a scaled normalization gain factor. Regarding claims 8,13,51 and 56 the prior art or combination thereof fails to disclose or make obvious determining whether volume normalization parameters associated with the audio file are stored in a media library or stored in the audio file, if not stored in the

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media library, i.e. there is no teaching nor suggestion in the references of combining the methodologies, specifically determining whether the parameters are stored in an audio file after first determining whether the parameters are stored in a media library.

Regarding claims 14,19,61 and 65 the prior art or combination thereof fails to disclose or make obvious mapping function having two portions, one quadratic and the other linear. Therefore the prior art or combination thereof fails to disclose or make obvious a method for normalization, a computer storage media encoded with a program, a computer and a device as claimed.

Claims 9-12,16-18,44-50,52-55,57-60,62-64,66-68 are allowed due to dependency on claims 8,13,14,19,51,56,61 and 65.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

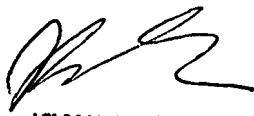
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DEF


VIVIAN CHIN
SUPERVISOR/PATENT EXAMINER
TECHNOLOGY CENTER 2600